

1. I, Jozef Stumpel, am a full time resident of the country of Slovakia with my wife and family.
2. The contents of this affidavit are full of my personal knowledge and personal experiences.
3. This affidavit has been prepared for me, but I understand and agree with all of its representations.
4. I have been a professional hockey player for my entire adult life, including approximately 10 years in the NHL in the USA.
5. I previously signed an affidavit in support of Phil Kenner in 2009 during his arbitration with Owen Nolan related to investments that I also have in common with Nolan but disagree completely with the assessment Nolan and his attorneys presented to the 2009 arbitration panel.
6. I was a short-term client of the same attorney in California, Michael Meeks. Both Mr. Meeks and his people, including Kenner's former assistant, Kristine Myrick, grossly misled me about documents in 2008 they accused Mr. Kenner of:
  - a. Forging in order to transfer funds from one of my investment accounts to Northern Trust Bank,
  - b. Forging my name on documents to establish a new investment account (unknown to me) at Northern Trust Bank,
  - c. Forging my name on new Line of Credit documents using my investment funds as collateral for a multi-million dollar loan at Northern Trust Bank, and
  - d. Ultimately stealing all of the line of credit funds for himself.
7. In 2008, I learned that Mr. Meeks and Ms. Myrick worked with Ken Jowdy and his attorney, Tom Harvey, at the same time against Phil Kenner and the other investors. I was most bothered when I learned after filing a lawsuit versus Kenner that ***NONE OF THE FORGERIES OR TRANSFERS WERE TRUE.*** I explained this in my 2009 affidavit to the arbitration panel.
8. ***Meeks, Myrick and Jowdy's attorneys lied to me about everything.*** My money was exactly where it was supposed to be. In fact, I learned that no documents were ever signed at Northern Trust Bank by Kenner, myself or anyone else after speaking with the bank directly. I never had any accounts with money in it at that bank. ***It was all a 100% lie.*** I immediately dropped the case versus Kenner feeling deceived by the attorneys and demanded the \$43,000 the attorney charged me to file the cookie-cut complaint (including the same typos from the Nolan complaint). No other work was done for me to support that overbilling scheme. They never returned any of the grossly overbilled amounts. I later learned that the same

attorney charged Nolan about \$750,000 for his arbitration as well as Juneau and Moreau about \$250,000 apiece for cases that were dropped by them as soon as Kenner beat Nolan on all of the identical claims in his arbitration. I understand Nolan received a \$2 million judgment in the arbitration after lying about his knowledge of his investment and Line of Credit in the Hawai'i project. Since then, Kenner has shown me texts, documents and depositions where Nolan, personally, and other Northern Trust bankers admit Nolan's 100% knowledge of Nolan's line of credit since 2003 when it was first opened.

9. After my discoveries of the Meeks and Jowdy scams on me, two other NHL hockey players who I knew (Dimitri Khristich and Jason Woolley) also explained the same scams they also discovered and what had happened to them by Jowdy. They travelled to Russia with Kenner to meet me face-to-face. After our meeting in Russia, I immediately rejoined Kenner and his efforts with the rest of my friends versus Jowdy in 2008 to sue him in México and the USA. As a group and individually, we began our efforts with Kenner to recover all of the funds I directly sent to Jowdy accounts or we agreed as a group (like Hawai'i) to send to Jowdy for short-term loans. I was a participant in lawsuits for:
  - a. The \$1.6 million loan I loaned Jowdy in México from my account in Europe in 2005,
  - b. The \$5 million plus Jowdy stole from me and the rest of our Hawai'i investors in unpaid loans since 2004 (known to all of the Hawai'i investors I discussed it with since 2004 when Kenner disclosed the idea to us as a group on a conference call),
  - c. The \$250,000 Jowdy stole from me from my 2004 investment in the Falcon 10 airplane that was supposed to help our México projects, even though we learned from Jowdy in his 2010 deposition that he only used the plane for his own uses.
    - i. On top of that, I learned from Jowdy's own bank records that Jowdy stole my \$250,000 and never used it for the airplane in 2004, but later convinced some of our airplane partners (Gonchar and Kenner) to take a loan to help repair the plane engines. This was also a scam, since Jowdy used the 2005 loan to actually buy the plane (over a year after we gave him the money to do so). Once Gonchar and Kenner were sued by the bank, we also learned that Jowdy stole another \$430,000 in cash advances from the plane loan before defaulting the loan and losing the planes for all of us to the bank.
  - d. Jowdy stole the \$500,000 I invested in the Diamanté del Mar project from 2002 through 2006. Kenner has provided me these bank statements as well for confirmation.

10. I have discussed all of the loans and scams by Jowdy on me and my former teammates and friends independently with Arizona attorney, Tom Baker, and California attorney Ronald Richards, both of which sued Jowdy for the various frauds against me and the other investors. I have also discussed all of the Jowdy scams with the other investors, since we began suing Jowdy in 2008. Kenner made sure that everyone was 100% aware of all the funds that Jowdy received through actual Jowdy bank records and what Jowdy did with them, so no one was in the dark about it.
11. I know that my friend and former teammate, Glen Murray, and Kenner had to go to trial with Jowdy in Nevada in December 2010 to try and recover about \$1 million that Jowdy also borrowed from Glen Murray and never repaid for 5 years (at that time) since 2005. I know that Jowdy tried to blame the unpaid money on Kenner (like in all of the México deals) but lost to both Kenner and Murray in the Nevada lawsuit when Kenner represented himself in the trial.
12. In 2009, after Jowdy terminated all of the settlement discussions with Tommy Constantine, on our behalf (in 2008), our group of investors sued Jowdy in two major California lawsuits with Ronald Richards. I was a Plaintiff in both lawsuits for the Diamanté del Mar and Diamanté Cabo san Lucas projects. In both California lawsuits, we were all aware and claimed in the lawsuits that:
  - a. Jowdy had received approximately \$8 million dollars from our Hawai'i partners and had not repaid the loans to us.
    - i. I saw the January 2006 original closing documents that confirmed Lehman Brothers and Jowdy were expecting to pay our investors (Hawai'i loans) \$7,000,000 at the closing (expected only days later), but that also changed as a fraud by the lender at Lehman Brothers and Jowdy.
  - b. Jowdy had mismanaged the two México resort projects for years while stealing funds from the budgets for his own personal uses.
    - i. Bryan Berard (in May 2010) and Jason Woolley (after the January 2010 Jowdy deposition) confirmed the mismanagement to me personally after dealing with Jowdy in his CA depositions.
    - ii. Kenner showed me and other investors the Jowdy bank records for Baja Development Corp and other Jowdy companies confirming that Jowdy began stealing funds from us with days of our first investment in August 2002 (by Woolley, Khristich, and Kenner).
  - c. Jowdy had mismanaged and stolen funds from others and myself who invested with Kenner in an airplane that was supposed to be used exclusively for the promotion of the México projects. We later learned after Jowdy 2010 deposition that he *never* used the planes for

the intended purpose, never paid down the fraudulent loan, stole over \$1mm cash from the plane investment directly from our deposits, stole another \$430,000 from the fraudulent loan (guaranteed by Kenner and Gonchar), and left the plane loan in default and disrepair to punish the investors who began to take legal actions against him as a result the scams Kenner discovered in 2007 and shared with all of us.

i. In 2007, Kenner also disclosed to me and our friends that Jowdy and his attorney, Tom Harvey, tried to bribe Kenner with millions in equity on future Jowdy-led projects that were funded by Lehman Brothers in Texas and Tennessee without us.

1. Kenner declined the bribes and fought Jowdy for the investors until he was arrested in 2013. Jowdy confirmed the bribes to Kenner in his 2010 deposition with Ronald Richards.

ii. Kenner shared the 2-day depositions with me and all of the investors who read the Jowdy's confessions of stealing our money and having no plans to repay any of us, specifically including my \$1.6 million loan.

1. All of the investors knew that Kenner and our attorney, Ronald Richards, sent copies of Jowdy's 2-day deposition to FBI Agent Matt Galioto who was supposed to be helping us get our money back from Jowdy in the various scams that Kenner explained to him in June 2009, on all of our behalf.

13. In 2005, I loaned \$956,000 to Ken Jowdy from my USA accounts (in addition to another \$1.6 million from one of my European accounts). The \$956,000 loan was supposed to be repaid by Jowdy within a month. Jowdy informed us that he was selling several of his personal real estate holdings to come up with the short-term repayment funds. Neither of which apparently sold, since I was never repaid. Jowdy did make a \$50,000 interest payment to me on the \$956,000 loan but no more. At that time, Kenner told me and another investor, Jere Lehtinen, that he would secure our loans to Jowdy if Jowdy did not repay us from the Lehman Brothers loan in Cabo that Jowdy was working to close as soon as he could. I was thankful that Kenner made that security deal with Lehtinen and me to protect our interests, based on the Jowdy default. The other loan was supposed to be fully repaid at the time of the Lehman Brothers closing. Neither Kenner nor myself learned about the new Jowdy plans to not repay us at the closing until some time in February 2006 - after seeing the January 25, 2006 Lehman Brothers project assessment report.

a. Kenner immediately told Lehtinen and me that he was opening a new LLC to secure our investment (if we remained unpaid at the time thru

the time of the closing) and we would now be partners with Kenner in the new LLC, just like the documents we signed with Kenner as Kenner's guarantee. I was thankful that I was not at a total loss for that deal, because Kenner protected us. In addition, Kenner explained that the lender from Lehman Brothers confirmed that he was going to set aside real estate commissions in the first year of the Cabo project (totaling about \$14 million) to be used to repay my \$1.6 million loan plus interest, the unpaid Hawai'i loans plus interest to me and the other Hawai'i investors as well as other personal loans that Jowdy had with Glen Murray, Kenner, Robert Gaudet, Mattias Norstrom and others. I was aware of all of these loans. I was a teammate and friend of both Norstrom and Murray. This repayment never happened. After Jowdy refused to repay any of the loans to my friends and me in 2006-07, Bob Gaudet also assisted me with my México attorneys versus Jowdy for his frauds in México.

14. In 2007, Kenner explained to all of us as a group (on conference calls and individually) that he caught Jowdy stealing our funds and had no plans to return them. This is the first time I saw Jowdy bank records from Kenner for both the airplane thefts and the original Diamanté del Mar investment thefts through Jowdy's Baja Development Corp.
15. In 2010, I was aware that Kenner was arrested and detained in México by the federal police after Jowdy's attorneys in the USA and México filed a complaint (with Nolan's attorney, Meeks). I know that Kenner was physically beaten and told he had to sign transfer paperwork to Jowdy in México if he wanted to get out. I know that a former attorney of ours, Palos, got Kenner released from jail and the torture after a few days. I also know that our México attorney was murdered shortly after Kenner's release. I know that it was not easy for Kenner to continue fighting for us in México for the next three years even with federal México protection on his trips to testify for us versus Jowdy in the various criminal lawsuits for me individually and others as a group.
16. In 2014, I spoke with Kenner (while he was in jail) and a few other investors who Jowdy scammed about going to México and filing new criminal actions in México City. I was relieved that I was able to file another lawsuit against Jowdy to finally recover the money he stole from my family and me since 2003.
  - a. The week before I was supposed to fly to México City in April 2015 with two other investors (Mattias Norstrom and Rem Murray), I learned that our contact who was arranging the filings and related testimonies in front of the México City Supreme Court judges, the Office of the Ministerial Publico and the PGR, was arrested by FBI Agent Galioto and FBI Agent Mike Cassidy for Obstruction of Justice in



the USA to protect Jowdy. I am not from the USA but do not understand how this can happen. He was helping us with real thefts, which we have the paperwork for.

17. Since April 2015, I have heard from Agent Galioto on a few occasions to let me know that Kenner is a thief and Jowdy did nothing wrong. He is wrong, because I have seen the paperwork and bank records. Jowdy stole from my friends and me. I personally know that he scammed Kenner and me. Now, I have been instructed to sign paperwork giving up some of my rights to Jowdy for the money he has stolen from me for a small piece of the Cabo project (that Jowdy also stole from us). It is incredible that Jowdy stole our money to buy his interest in the project, stole money for 10+ years from the project to pay for his protection and legal fees against the people he stole from, stole some of our equity in Cabo, and I am now being told that signing the deal with Jowdy to receive some of the stolen equity back is my best deal and I need to do it. I do not understand why Agent Galioto of the FBI is working to protect Jowdy who stole all of our funds and against all of us.
18. Phil Kenner has worked to protect my family and I for years against Jowdy and his people who have stolen from us. I have received all of the bank records to prove where my funds have gone and the Jowdy depositions that confirmed he received them. Without Kenner, no one has ever tried to help me recover the money that is so important to me.
19. Bryan Berard, John Kaiser and other people working for Jowdy, since Kenner arrest in November 2013, have lied to me about information I already know is not true. Berard and Kaiser have been working hard to protect Jowdy since 2011, because they are employed by him in México and working with FBI Agent Galioto against Kenner's efforts to help us recover our funds from Jowdy.

This is signed, executed and affirmed on March 10<sup>th</sup>, 2017.

  
\_\_\_\_\_  
Jozef Stumpel

Initial JS